

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 24-43 and 46-52 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. The claims as amended include a locating arrangement thus must include a means for locating an object. However the amendments state there is a plurality of ultrasonic transmitter arranged along a path and there is at least three electromagnetic radiation receivers arranged along the path and no other receivers or transmitters are claimed. The device would not function because the electromagnetic radiation receivers can not receive ultrasonic radiation (because this is a mechanical wave). And there is not transmitters to transmit electromagnetic radiation. This renders this device inoperable. The Examiner has read over the specification and has seen that the inventor intends to use these two forms of energy simultaneously however if the Examiner were to examine the application as such a large amount of the examination would be based upon assumption of what the Applicant intends on claiming and not what is claimed. Therefor such examination would be futile and the claims as amended are not examined over prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3662

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-43 and 46-52 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. a receiver for receiving the ultrasonic radiation and a source for generating the electromagnetic radiation critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). This subject matter is essential because without this the system can not determine location because the ultrasonic wave can not be picked up by the electromagnetic receiver.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fluhler shows the use of ultrasonic transmitters and ultrasonic receivers in coordination with electromagnetic receivers (see paragraph 26 and 44).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3662

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUKE D. RATCLIFFE whose telephone number is (571)272-3110. The examiner can normally be reached on 10:00-5:00 M-Sun.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/579,347

Page 5

Art Unit: 3662

LDR

/Thomas H. Tarcza/

Supervisory Patent Examiner, Art Unit 3662